



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 8, 2010
Environment Committee

Testimony Submitted by Commissioner Amey Marrella
Department of Environmental Protection

Raised Senate Bill No. 126 - AN ACT ADDING WOOD SMOKE TO THE PUBLIC HEATH NUISANCE CODE AND CONCERNING OUTDOOR WOOD BURNING FURNACES

Thank you for the opportunity to present testimony on Raised Senate Bill No. 126, AN ACT ADDING WOOD SMOKE TO THE PUBLIC HEATH NUISANCE CODE AND CONCERNING OUTDOOR WOOD BURNING FURNACES. The Department of Environmental Protection (Department) has been responding to many complaints regarding outdoor wood burning furnaces (OWFs). As a result, we recognize that legislative action is likely needed to address ongoing concerns about OWFs. We welcome the opportunity to work with the Environment Committee, local and state public health officials, municipalities, agricultural interests and the OWF industry to reach consensus on appropriate legislative language.

Senate Bill No. 126 seeks to establish wood smoke as a public nuisance and prohibit the use of outdoor wood burning furnaces (OWFs) during the period between the 15th of April and the 15th of October with exceptions for agricultural use.

In 2005, responding to concerns about air pollution and health, the Governor and General Assembly enacted restrictions on the siting and operation of outdoor wood-burning furnaces in Connecticut¹. This legislation joined existing regulations to limit the impact of OWF smoke on the environment and to address citizens' complaints.

Complaints and field investigations since 2005 reveal that Connecticut's OWF laws remain inadequate. Since the 2005 legislation was enacted, the Department has recorded 750 complaints about OWFs, resulting in 91 notices of violation, 14 formal orders to discontinue use or modify OWFs, 2 referrals to the Office of the Attorney General and 3 orders under negotiation. In some cases, siting restrictions make compliance impossible while in others, the cost of coming into compliance is beyond the means of the owner. There are additional situations in which an OWF owner, having expended significant funds for purchase and installation, combined with additional sums in unsuccessful attempts to comply with the regulations, may still be left with no recourse but to discontinue operation.

On the other hand, when properly sited (so as not to cause nuisance problems to neighbors) and combusting the only non-treated wood, a properly operated, cleaner burning OWF can be an important source of heat energy for agriculture and other rural needs.

¹ See CGS 22a-174k (Attached)

Yet, regardless of where they are used, OWF operation produces emissions that impact the OWF owner, nearby neighbors, and the local and regional airshed. OWFs, like all other wood-burning devices, release fine particulates into the air which, when inhaled into the lungs, can aggravate existing heart and lung diseases to cause cardiovascular symptoms, asthma attacks and bronchitis. OWF design generally leads to incomplete combustion, resulting in frequent periods of excessive smoking and much higher quantities of particulate matter than other wood-burning devices.

In addition, while fireplaces and wood stoves, used seasonally, may operate for only a few hours a day, OWFs can operate all day and all year when used for both space heating and hot water applications. The negative impacts from OWFs are greatly exacerbated when, contrary to both the 2005 statute and manufacturers' instructions, materials such as household garbage, tires or pressure treated wood (containing arsenic) are combusted.

Maine, Massachusetts, Maryland, New Hampshire, New York, New Jersey and Vermont have adopted more stringent rules covering OWFs. Pennsylvania and Rhode Island are in the process of adopting more stringent regulations covering OWFs. Many of these states have required that only OWFs meeting EPA voluntary emission standards be installed. Connecticut is at risk of becoming the only state in the region to not adopt more stringent rules on OWFs: a situation that could exacerbate problems with OWFs in the near future as the industry takes advantage of Connecticut's less stringent rules.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEP's legislative liaison, at 424-3401 or Robert.LaFrance@CT.gov.

Sec. 22a-174k. Outdoor wood-burning furnaces. (a) For purposes of this section, "outdoor wood-burning furnace" means an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

(b) No person shall, from July 8, 2005, to the effective date of regulations promulgated by the United States Environmental Protection Agency to regulate outdoor wood-burning furnaces, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless (1) the outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to July 8, 2005, or (2) the outdoor wood-burning furnace complies with the following:

(A) Installation of the outdoor wood-burning furnace is not less than two hundred feet from the nearest residence not serviced by the outdoor wood-burning furnace;

(B) Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within five hundred feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than fifty-five feet;

(C) No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated; and

(D) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.

(c) The provisions of this section shall be enforced by the Commissioner of Environmental Protection and may be enforced by the municipality affected by the operation or potential operation of an outdoor wood-burning furnace.

(d) Any person who operates an outdoor wood-burning furnace in violation of this section shall be deemed to have committed an infraction and shall be fined not more than ninety dollars. Each day of operation of such outdoor wood-burning furnace in violation of this section shall be a separate violation.

(P.A. 05-227, S. 1.)

